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**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BY DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

CHRIS ALLEN LOHM,

Defendant.

NO. 2:93-CR-224 EJG

ORDER DIRECTING
MENTAL TREATMENT OF
DEFENDANT CHRIS ALLEN
LOHM PURSUANT TO
18 U.S.C. § 4241(d)

COURT: Hon. Edward J. Garcia

On April 4, 2012, the Court held a hearing to determine the mental competency of defendant Chris Allen Lohm within the meaning of 18 U.S.C. § 4241(a). Assistant United States Attorney Samuel Wong appeared on behalf of the United States. Carl Larson, Esq., appeared on behalf of Lohm.

The Court had previously provided to respective counsel for Lohm and the United States a written report dated March 12, 2012, prepared by Cynthia A. Low, Ph.D., Forensic Unit Psychologist, Federal Detention Center, Seattle, Washington, on her examination of Lohm's mental condition while Lohm was in her facility. Dr. Low's report describes Lohm's long history of mental illness and concludes at page 15, "From the available information, there is evidence to indicate that Mr. Lohm's Schizoaffective Disorder may

1 substantially impair his ability to assist counsel in his
2 defense. It is therefore recommended the defendant participate
3 in formal competency restoration procedures at a Federal Medical
4 Center."

5 At the April 4, 2012, hearing, the Court also provided
6 respective counsel for Lohm and the United States an opportunity
7 to comment on Dr. Low's report and her conclusion that Lohm was
8 mentally incompetent at this time and in need of treatment. Both
9 counsel requested that the Court order four months of mental
10 treatment of Lohm pursuant to 18 U.S.C. § 4241(d) and submitted
11 the matter on Dr. Low's report.

12 Based on the foregoing and good cause appearing therefrom,
13 the Court finds by a preponderance of the evidence that Lohm is
14 presently suffering from a mental disease or defect rendering him
15 mentally incompetent to the extent that he is unable to assist
16 properly in his defense within the meaning of 18 U.S.C.
17 § 4241(d).

18 Accordingly, the Court hereby orders that Lohm shall be
19 committed to the custody of the Attorney General. It is further
20 ordered that:

21 (1) The Attorney General shall hospitalize Lohm for
22 treatment in a suitable facility for such a reasonable period of
23 time, not to exceed four months, as is necessary to determine
24 whether there is a substantial probability that in the
25 foreseeable future he will attain the capacity to permit the
26 supervised release revocation hearing to proceed. The four-month
27 period shall commence upon Lohm's arrival at the federal medical
28 facility at which Lohm's treatment shall take place.

(2) In the event that the director of the facility in which Lohm is hospitalized pursuant to this Order determines that he has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the director shall promptly send a certificate to that effect to the Honorable District Court Judge Edward J. Garcia at 501 I Street, 13th Floor, Sacramento, California, California 95814, and shall send a copy of the certificate to Carl Larson, Esq., Lohm's counsel, at 9490 Golden Gate Avenue, Orangevale, California 95662, and to Assistant United States Attorney Samuel Wong at 501 I Street, Suite 10-100, Sacramento, California 95814. The Court shall then hold a hearing, conducted pursuant to the provisions of 18 U.S.C. § 4241(d), to determine the mental competency of the defendant.

(3) The United States Marshal's Service shall transport Lohm as expeditiously as reasonably possible to whichever Bureau of Prisons medical facility that is designated for his mental health treatment.

DATED: 4/4/12


EDWARD J. GARCIA
United States District Judge